

REMARKS

In response to the Office action mailed March 11, 2002, Applicants elect with traverse Group V, drawn to method for diagnosing and determining the prognosis of breast or colorectal cancer.

Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions (MPEP §803.01). In establishing that an "undue burden" exists for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search (MPEP §808.02). Applicants respectfully submit that the inventions of the present application can readily be searched without undue burden.

In order to claim the subject matter of the invention more specifically, claims 7 and 31 have been canceled and claims 32-47 have been added. Claims 32-43 are drawn to methods of diagnosing breast cancer or colorectal cancer and claims 44-47 are drawn to methods of determining the prognosis of breast cancer or colorectal cancer. No new matter is added. The newly added claims find support in the originally filed claims and in the specification.

Support for claims 32-43 is found in original claim 7 and in the specification on page 6, lines 13-28, page 7, lines 1-13 and lines 28-32. Support can also be found on page 14, lines 20-27 page 16, lines 10-30, and page 17, lines 15-22. Claims 44-47 find support in original claim 31 and in the specification on page 6, lines 13-28, page 7, lines 1-13 and lines 28-32. Support can also be found on page 14, lines 20-27 page 16, lines 10-30, and page 17, lines 15-22.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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